

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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LEVELT DEWARREN MUSGRAVES,

**Petitioner,**

**v.**

**Case No. 20-CV-337**

PAUL S. KEMPER,

**Respondent.**

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**ORDER**

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Petitioner Levelt Musgraves filed a petition for writ of habeas corpus on March 2, 2020. (ECF No. 1.) The court screened his petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases and ordered Respondent Paul Kemper to answer or move to dismiss the petition no later than 60 days after the order, making his response due on May 11, 2020. (ECF No. 6.) On May 12, 2020, Kemper filed a motion for an extension of time. (ECF No. 10.) Kemper explained that “[t]his motion was unable to be finalized and filed May 11 because of problems remotely accessing DOJ’s servers ...” and “ask[ed] that this motion be made retroactive to May 11, 2020.” (*Id.* at 1-2.) The request was made because of counsel’s workload and necessity to take time off to care for his children. (*Id.*

at 2-3.) The court, finding good cause, granted Kemper's motion, allowing him until June 10, 2020, to answer or move to dismiss the petition. (ECF No. 11.)

On May 22, 2020, Musgraves filed a "Motion for Concurrent Cause to Oppose Any Future Time Extentions [sic] Beyond June 10, 2020, (Abuse of Process) In This Individual Case." (ECF No. 12.) Musgraves requests that the court grant Kemper no additional extensions of time, alleging that Kemper's request for an extension of time constituted a "misuse of process" that did not take his safety into account and puts him at risk of contracting COVID-19 at the prison. He also asserts that the court "Must rule in [his] favor" and "grant Default" because Kemper's motion was filed after his deadline.

Kemper has not yet filed for an additional extension beyond June 10, 2020. If he does, Musgraves can file his opposition to any such request and the court will consider the request and Musgraves's opposition at that time. The court declines to "grant Default" against Kemper for his one-day delay in filing his extension of time. Kemper adequately explained the reason for his delay.

**IT IS THEREFORE ORDERED** that Musgraves's "Motion for Concurrent Cause to Oppose Any Future Time Extentions [sic] Beyond June 10, 2020, (Abuse of Process) In This Individual Case" (ECF No. 12) is **denied**.

Dated at Milwaukee, Wisconsin this 27th day of May, 2020.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge